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Security Council

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Draft resolution

The Security Council,

Recalling its resolutions 1547 (2004) of 11 June 2004, 1556 (2004) of 30 July 2004, 1564 (2004) of 18 September 2004, and 1574 (2004) of 19 November 2004, 1585 (2005) of 10 March 2005 and 1588 (2005) of 17 March 2005, and statements of its President concerning Sudan,

Reaffirming its commitment to the sovereignty, unity, independence and territorial integrity of Sudan, and recalling the importance of the principles of good neighbourliness, non-interference and regional cooperation,

Welcoming the signing of the Comprehensive Peace Agreement between the Government of Sudan (GOS) and the Sudan People's Liberation Movement/Army (SPLM/A) in Nairobi, Kenya on 9 January 2005,

Recalling the commitments made by the parties in the 8 April N'djamena Ceasefire Agreement and the 9 November 2004 Abuja Humanitarian and Security Protocols between the Government of Sudan, the Sudan People's Liberation Movement/Army (SPLM/A) and the Justice and Equality Movement (JEM), and recalling the commitments made in the Joint Communiqué of 3 July 2004 between the Government of Sudan and the Secretary-General,

Expressing its determination to help the people of Sudan to promote national reconciliation, lasting peace and stability, and to build a prosperous and united Sudan in which human rights are respected, the protection of all citizens assured,

Taking note of the statements of Vice-President Ali Osman Taha of the Government of Sudan and Chairman Garang of the SPLM/A at the meeting of the Council on 8 February 2005, and the strong will and determination they expressed to find a peaceful resolution to the conflict in Darfur as expressed at the meeting,

Recognizing that the parties to the Comprehensive Peace Agreement must build on the Agreement to bring peace and stability to the entire country, and calling on all Sudanese parties in particular those party to the Comprehensive Peace Agreement, to take immediate steps to achieve a peaceful settlement to the conflict in Darfur and to take all necessary action to prevent further violations of human rights and international humanitarian law and to put an end to impunity, including in the Darfur region,

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Expressing its utmost concern over the dire consequences of the prolonged conflict for the civilian population in the Darfur region as well as throughout Sudan, in particular the increase in the number of refugees and internally displaced persons,

Considering that the voluntary and sustainable return of refugees and internally displaced persons will be a critical factor for the consolidation of the peace process,

Expressing also its deep concern for the security of humanitarian workers and their access to populations in need, including refugees, internally displaced persons and other war-affected populations,

Condemning the continued violations of the N'djamena Ceasefire Agreement of 8 April 2004 and the Abuja Protocols of 9 November 2004 by all sides in Darfur and the deterioration of the security situation and the negative impact this has had on humanitarian assistance efforts,

Strongly condemning all violations of human rights and international humanitarian law in the Darfur region, in particular the continuation of violence against civilians and sexual violence against women and girls since the adoption of resolution 1574 (2004), urging all parties to take necessary steps to prevent further violations, and expressing its determination to ensure that those responsible for all such violations are identified and brought to justice without delay,

Recalling the demands in resolutions 1556 (2004), 1564 (2004) and 1574, that all parties to the conflict in Darfur refrain from any violence against civilians and cooperate fully with the African Union Mission in Darfur,

Commending the efforts of the African Union, in particular its Chairman, acknowledging the progress made by the African Union in the deployment of an international protection force, police, and military observers, and calling on all member States to contribute generously and urgently to the African Union Mission in Darfur,

Commending also the efforts of the Intergovernmental Authority for Development (IGAD), in particular the Government of Kenya as Chair of the Subcommittee on Sudan,

Reaffirming its resolutions 1325 (2000) on women, peace and security, 1379 (2001) and 1460 (2003) on children in armed conflicts, as well as resolutions 1265 (1999) and 1296 (2000) on the protection of civilians in armed conflicts and resolution 1502 (2003) on the protection of humanitarian and United Nations personnel,

Welcoming the efforts by the United Nations to sensitize United Nations personnel in the prevention and control of HIV/AIDS and other communicable diseases in all its established operations,

Expressing grave concern at the allegations of sexual exploitation and misconduct by United Nations personnel in United Nations established operations, and welcoming the Secretary-General's 9 February 2005 letter to the Council in this regard, affirming there will be a zero-tolerance policy of sexual exploitation and abuse of any kind in all United Nations peacekeeping missions,

Recognizing that international support for implementation of the Comprehensive Peace Agreement is critically important to its success, emphasizing

that progress towards resolution of the conflict in Darfur would create conditions conducive for delivery of such assistance, and alarmed that the violence in Darfur nonetheless continues,

Taking note of the Secretary-General's reports of 31 January 2005 (S/2005/57 and Add.1), 4 February 2005 (S/2005/68), and 4 March 2005 (S/2005/140) as well as the report of 25 January 2005 of the International Commission of Inquiry (S/2005/60),

Taking note of the request of the parties to the Comprehensive Peace Agreement for the establishment of a peace support mission,

Expressing appreciation for the important contributions of the Standby High Readiness Brigade (SHIRBRIG) towards the planning, preparation, and initial deployment of a peacekeeping operation, as well as the preparatory work by the United Nations Advance Mission in Sudan,

Determining that the situation in Sudan continues to constitute a threat to international peace and security,

1. *Decides* to establish the United Nations Mission in Sudan (UNMIS) for an initial period of 6 months and further decides that UNMIS will consist of up to 10,000 military personnel and an appropriate civilian component including up to 715 civilian police personnel;

2. *Requests* that UNMIS closely and continuously liaise and coordinate at all levels with the African Union Mission in Sudan (AMIS) with a view towards expeditiously reinforcing the effort to foster peace in Darfur, especially with regard to the Abuja peace process and the African Union Mission in Sudan;

3. *Requests* the Secretary-General, through his Special Representative for Sudan, to coordinate all the activities of the United Nations system in Sudan, to mobilize resources and support from the international community for both immediate assistance and the long-term economic development of Sudan, and to facilitate coordination with other international actors, in particular the African Union and IGAD, of activities in support of the transitional process established by the Comprehensive Peace Agreement, and to provide good offices and political support for the efforts to resolve all ongoing conflicts in Sudan;

4. *Decides* that the mandate of UNMIS shall be the following:

(a) To support implementation of the Comprehensive Peace Agreement by performing the following tasks:

(i) To monitor and verify the implementation of the Ceasefire Agreement and to investigate violations;

(ii) To liaise with bilateral donors on the formation of Joint Integrated Units;

(iii) To observe and monitor movement of armed groups and redeployment of forces in the areas of UNMIS deployment in accordance with the Ceasefire Agreement;

(iv) To assist in the establishment of the disarmament, demobilization and reintegration programme as called for in the Comprehensive Peace Agreement, with particular attention to the special needs of women and child combatants,

and its implementation through voluntary disarmament and weapons collection and destruction;

(v) To assist the parties to the Comprehensive Peace Agreement in promoting understanding of the peace process and the role of UNMIS by means of an effective public information campaign, targeted at all sectors of society, in coordination with the African Union;

(vi) To assist the parties to the Comprehensive Peace Agreement, in addressing the need for a national inclusive approach, including the role of women, towards reconciliation and peacebuilding;

(vii) To assist the parties to the Comprehensive Peace Agreement, in coordination with bilateral and multilateral assistance programmes, in restructuring the police service in Sudan, consistent with democratic policing, to develop a police training and evaluation programme, and to otherwise assist in the training of civilian police;

(viii) To assist the parties to the Comprehensive Peace Agreement in promoting the rule of law, including an independent judiciary, and the protection of human rights of all people of Sudan through a comprehensive and coordinated strategy with the aim of combating impunity and contributing to long-term peace and stability and to assist the parties to the Comprehensive Peace Agreement to develop and consolidate the national legal framework;

(ix) To ensure an adequate human rights presence, capacity, and expertise within UNMIS to carry out human rights promotion, civilian protection, and monitoring activities;

(x) To provide guidance and technical assistance to the parties to the Comprehensive Peace Agreement, in cooperation with other international actors, to support the preparations for and conduct of elections and referenda provided for by the Comprehensive Peace Agreement;

(b) To facilitate and coordinate, within its capabilities and in its areas of deployment, the voluntary return of refugees and internally displaced persons, and humanitarian assistance, inter alia, by helping to establish the necessary security conditions;

(c) To assist the parties to the Comprehensive Peace Agreement in cooperation with other international partners in the mine action sector, by providing humanitarian demining assistance, technical advice, and coordination;

(d) To contribute towards international efforts to protect and promote human rights in Sudan, as well as to coordinate international efforts towards the protection of civilians with particular attention to vulnerable groups including internally displaced persons, returning refugees, and women and children, within UNMIS's capabilities and in close cooperation with other United Nations agencies, related organizations, and non-governmental organizations;

5. *Requests* the Secretary-General to report to the Council within 30 days on options for how UNMIS can reinforce the effort to foster peace in Darfur through appropriate assistance to AMIS, including logistical support and technical assistance, and to identify ways in liaison with the AU to utilize UNMIS's

resources, particularly logistical and operations support elements, as well as reserve capacity towards this end;

6. *Calls upon* all parties to cooperate fully in the deployment and operations of UNMIS, in particular by guaranteeing the safety, security and freedom of movement of United Nations personnel as well as associated personnel throughout the territory of Sudan;

7. *Emphasizes* that there can be no military solution to the conflict in Darfur, and calls upon the Government of Sudan and the rebel groups, particularly the Justice and Equality Movement and the Sudanese Liberation Army/Movement to resume the Abuja talks rapidly without preconditions and negotiate in good faith to speedily reach agreement, and urges the parties to the Comprehensive Peace Agreement to play an active and constructive role in support of the Abuja talks and take immediate steps to support a peaceful settlement to the conflict in Darfur;

8. *Calls upon* all Member States to ensure the free, unhindered and expeditious movement to Sudan of all personnel, as well as equipment, provisions, supplies and other goods, including vehicles and spare parts, which are for the exclusive and official use of UNMIS;

9. *Calls upon* all parties to ensure, in accordance with relevant provisions of international law, the full, safe and unhindered access of relief personnel to all those in need and delivery of humanitarian assistance, in particular to internally displaced persons and refugees;

10. *Requests* that the Secretary-General transfer all functions performed by the special political mission in Sudan (UNAMIS) to UNMIS, together with staff and logistics of the office as appropriate, on the date when UNMIS is established, and to ensure a seamless transition between the United Nations and existing monitoring missions, namely the Verification Monitoring Team, the Joint Monitoring Mission, and the Civilian Protection Monitoring Team;

11. *Requests* the Secretary-General to keep the Council regularly informed of the progress in implementing the Comprehensive Peace Agreement, respect for the ceasefire, and the implementation of the mandate of UNMIS, including a review of the troop level, with a view to its adjusted reduction, taking account of the progress made on the ground and the tasks remaining to be accomplished and to report to the Council in this regard every three months;

12. *Requests* that the Secretary-General continue to report on a monthly basis on the situation in Darfur;

13. *Urges* the Joint Assessment Mission of the United Nations, the World Bank, and the parties, in association with other bilateral and multilateral donors, to continue their efforts to prepare for the rapid delivery of an assistance package for the reconstruction and economic development of Sudan, including official development assistance and trade access, to be implemented once implementation of the Comprehensive Peace Agreement begins, and welcomes the initiative of the Government of Norway to convene an international donors' conference for the reconstruction and economic development of Sudan, and urges the international community accordingly to donate generously, including to address the needs of internally displaced persons and refugees;

14. *Requests* the Secretary-General to take the necessary measures to achieve actual compliance in UNMIS with the United Nations zero-tolerance policy on sexual exploitation and abuse, including the development of strategies and appropriate mechanisms to prevent, identify and respond to all forms of misconduct, including sexual exploitation and abuse, and the enhancement of training for personnel to prevent misconduct and ensure full compliance with the United Nations code of conduct, *requests* the Secretary-General to take all necessary action in accordance with the Secretary-General's Bulletin on special measures for protection from sexual exploitation and sexual abuse (ST/SGB/2003/13) and to keep the Council informed, and *urges* troop-contributing countries to take appropriate preventive action including the conduct of pre-deployment awareness training, and to take disciplinary action and other action to ensure full accountability in cases of such conduct involving their personnel;

15. *Reaffirms* the importance of appropriate expertise on issues relating to gender in peacekeeping operations and post-conflict peacebuilding in accordance with resolution 1325 (2000), recalls the need to address violence against women and girls as a tool of warfare, and encourages UNMIS as well as the Sudanese parties to actively address these issues;

16. *Acting* under Chapter VII of the Charter of the United Nations,

(i) Decides that UNMIS is authorized to take the necessary action, in the areas of deployment of its forces and as it deems within its capabilities, to protect United Nations personnel, facilities, installations, and equipment, ensure the security and freedom of movement of United Nations personnel, humanitarian workers, joint assessment mechanism and assessment and evaluation commission personnel, and, without prejudice to the responsibility of the Government of Sudan, to protect civilians under imminent threat of physical violence; and

(ii) Requests that the Secretary-General and the Government of Sudan, following appropriate consultation with the Sudan People's Liberation Movement, conclude a status-of-forces agreement within 30 days of adoption of the resolution, taking into consideration General Assembly resolution 58/82 on the scope of legal protection under the Convention on the Safety of United Nations and Associated Personnel, and notes that pending the conclusion of such an agreement, the model status-of-forces agreement dated 9 October 1990 (A/45/594), shall apply provisionally;

17. *Underscores* the immediate need to rapidly increase the number of human rights monitors in Darfur, and urges the Secretary-General and the High Commissioner for Human Rights to undertake to accelerate the deployment of human rights monitors to Darfur and augment their numbers and also to move forward with the formation of civilian monitoring protection teams, and expects that the Secretary-General will report on progress on the formation of these teams in his reports to the Security Council as outlined in paragraph 11;

18. *Decides* to remain seized of the matter.